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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Applicant:	§	
Sundaram Ramakesavan	§	Art Unit: 2614
	§	
Serial No.: 09/234,559	§	Examiner: Victor R. Kostak
	§	
Filed: January 20, 1999	§	Atty Docket: ITL.0170US
	§	(P6678)
For: System for Providing Video on	§	
Demand with Pause Feature	§	Assignee: Intel Corporation
(as amended)	§	

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P.O. Box 1450  
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**REPLY BRIEF**

In response to the new arguments raised in the Examiner's Answer, the following reply brief is provided.

With respect to the written description rejection, the Appeal Brief relied on page 7, lines 11-16, of the present application. This material is simply ignored in the Examiner's Answer and never even addressed therein. The reason for this is clear. The cited material in the Appeal Brief makes it abundantly clear that there is written description to support the disclosure. Instead, the Examiner insists on relying on other material, not cited in the Appeal Brief, which has nothing to do with what is claimed.

The language cited in the Appellant's Appeal Brief refers to a flow chart set forth in Figure 2 and also stored on a hard disk drive at 26 in Figure 3. Figure 2 is expressly described as software at page 6, lines 6-8.

Date of Deposit: October 4, 2006  
I hereby certify under 37 CFR 1.8(a) that this correspondence is being deposited with the United States Postal Service as **first class mail** with sufficient postage on the date indicated above and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.  
Cynthia L. Hayden  
Cynthia L. Hayden

Page 7 of the specification, lines 11-16, says that if a pause is desired, as selected at diamond 40, a signal is sent by the software requesting a pause authorization, as indicated in the flow chart at block 42. The video provider provides an acknowledgement number.

Claim 1 calls for a controller to receive a request to pause (see diamond 40) and to automatically request a code to enable play to be resumed at a later time, all of which is done by software at block 42. Thus, clearly, the claim steps are done automatically, i.e., by software.

The Examiner's arguments ignore the pertinent material and only discuss material thereafter relating to how you return to live play after pause -- which is neither claimed nor relevant. The Examiner talks about "the actual resumption" of play. This is not what is claimed. In other words, what is claimed is how you get the code, not how you resume play. The Examiner's arguments of manual operation, which are wrong, are based on how you resume after pause, not how you get the code to pause.

The Answer falsely states that the Appeal Brief relied on page 7, lines 14-22. It did not. This material is irrelevant material relied on by the Examiner and all going to the actual resumption from pause, which is neither claimed nor relevant here.

The case law makes it clear that the exact word in the claim, automatic, need not be set forth in the specification. One skilled in the art would understand that the functionality done in software is automatic. Therefore, there is support in the specification.

Most surprising, is the reliance on prior reversals of the Examiner's positions. No information from the user is claimed. The controller receives a request from a machine to automatically request a code from another machine. What is automatic is the request for code (e.g., the authorization number).

The Board has twice tried to tell this Examiner that "automatic retrieval of a code to enable video play to be resumed at a later time" did not necessarily flow from the cited art. See the Board's decision mailed August 31, 2005 at page 3.

The Board found that Dan did not inherently request a code to enable play at a later time because he was silent on the point and there are other ways that Dan could operate. See Board decision mailed August 31, 2005 at page 6.

In the present case, the request for code (e.g., an authorization number) is spelled out in the specification. The rejection is without basis and amounts to a wholly improper attempt to reargue the same issue that has been rejected twice before. The Appellant requests the Board to reject it once again.

Respectfully submitted,

Date: 9/30/06



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Timothy M. Trop / Reg. No. 28,994  
TROP, PRUNER & HU, P.C.  
1616 South Voss Road, Suite 750  
Houston, TX 77057-2631  
713/468-8880 [Phone]  
713/468-8883 [Fax]

Attorneys for Intel Corporation